

## Chapter 18

### **MUNICIPAL COURT\***

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\***State law reference**—Municipal court, S.C. Code 1976, § 14-25-10 et seq.



**ARTICLE I. IN GENERAL****Sec. 18-1. Established.**

(a) The city council does hereby establish a municipal court which shall be a part of the unified judicial system of the state, as provided by law, for the trial and determination of all cases within its jurisdiction. This chapter does hereby provide for the appointment of one or more full-time or part-time judges and the appointment of a clerk.

(b) The city, establishing a municipal court pursuant to the provisions of this chapter, shall provide facilities for the use of judicial officers in conducting trials and hearings and shall provide sufficient clerical and non-judicial support personnel to assist the municipal judge.

(c) The city may prosecute any of its cases in any magistrate court in the county upon the approval of the governing body of the county.

(Code 1980, § 14-1; Ord. No. 1980-10, § 1, 11-6-1980)

**Sec. 18-2. Municipal judge—Generally.**

(a) *Appointment; term.* Each municipal judge shall be appointed by the city council to serve for a term set by the council not to exceed four years and until his successor is appointed and qualified.

(b) *Compensation.* Compensation for municipal judges shall be fixed by the city council.

(c) *Oath.* Before entering upon the discharge of the duties of his office, each municipal judge shall take and subscribe to the oath of office prescribed by S.C. Const. art. VI, § 5.

(d) *Not to practice law.* No municipal judge who is admitted to practice in the courts of the state shall practice law in the municipal court for which he is appointed.

(Code 1980, § 14-2; Ord. No. 1980-10, § 2, 11-6-1980)

**Sec. 18-3. Same—Not required to be a resident; vacancy.**

(a) A municipal judge shall not be required to be a resident of the city by whom he is employed. The city may contract with any other municipality in the county or with the county governing body to employ the municipal judge of the other municipality or a magistrate to preside over its court.

(b) In case of a vacancy in the office of the municipal judge, a successor shall be appointed in the manner of original appointment for the unexpired term. In case of the temporary absence, sickness or disability of a municipal judge, the court shall be held by the judge of another municipality or by a practicing attorney or some other person who has received training or experience in municipal court procedure, who shall be designated by the mayor and take the prescribed oath of office before entering upon his duties.

(Code 1980, § 14-3; Ord. No. 1980-10, § 3, 11-16-1980)

**Sec. 18-4. Clerk of court.**

The municipal clerk or other municipal employee may be appointed to serve as clerk of the court. The clerk of the court shall keep such records and make such reports as may be determined by the state court administrator and the city administrator.

(Code 1980, § 14-4; Ord. No. 1980-10, § 4, 11-6-1980)

**Sec. 18-5. Ministerial recorder.**

The city council may establish the use of a ministerial recorder and appoint one or more full-time or part-time ministerial recorders who shall hold office at the pleasure of the city council. Before entering upon the discharge of the duties of the office of ministerial recorder, the person so appointed shall take and subscribe the prescribed oath of office and shall be certified by the municipal judge as having been instructed in the proper method of issuing warrants. Ministerial recorders shall have the power to issue summonses, subpoenas, arrest warrants and search warrants in all cases arising under the ordinances of the city and in criminal cases as are now conferred by law upon magistrates, but shall have no other judicial power.

(Code 1980, § 14-5; Ord. No. 1980-10, § 12, 11-6-1980)

**Sec. 18-6. Duty of chief of police or his designee to attend court; powers and duties.**

The chief of police of the city, or someone designated by him, shall attend upon the sessions of the court. The chief of police and the police officers of the city shall be subject to the orders of the court and shall execute the orders, writs and mandates thereof and perform such other duties in connection therewith as may be prescribed by the ordinances of the city. The chief of police and the police officers of the city shall also be invested with the same powers and duties as are provided for magistrates' constables.

(Code 1980, § 14-6; Ord. No. 1980-10, § 6, 11-6-1980)

**Sec. 18-7. Penalty for violation of a municipal ordinance or state law; power of judge to suspend sentence.**

(a) Whenever the municipal judge finds a party guilty of violating a municipal ordinance or a state law within the jurisdiction of such court he may impose a fine or imprisonment, or both, not exceeding the maximum limits established for municipal courts by state law.

(b) The municipal judge may suspend sentences imposed by him upon such terms and conditions as he deems proper including, without limitation, restitution or public service employment.

(Code 1980, § 14-7; Ord. No. 1980-10, §§ 7, 8, 11-6-1980)

**Sec. 18-8. Disposition of fines.**

All fines and penalties collected by the municipal court shall be forthwith deposited with the finance department in accordance with the city's policies and procedures.

(Code 1980, § 14-8; Ord. No. 1980-10, § 9, 11-6-1980)

**Sec. 18-9. Jurisdiction.**

The municipal court shall have jurisdiction to try all cases arising under city ordinances. The court shall also have all such powers, duties and jurisdiction in criminal cases made under state law and conferred upon magistrates. The court shall have the power to punish for contempt of court by imposition of sentences up to the limits imposed on municipal courts. The court shall have no jurisdiction in civil matters.

(Code 1980, § 14-10; Ord. No. 1980-10, § 5, 11-6-1980)

**Secs. 18-10—18-40. Reserved.****ARTICLE II. JURY TRIALS****Sec. 18-41. Jury commissioners.**

The city council shall appoint not less than three nor more than five persons to serve as jury commissioners for the municipal court; provided, however, that the council may act as jury commissioners in lieu of appointing such commissioners.

(Code 1980, § 14-22; Ord. No. 1980-10, § 14, 11-6-1980)

**Sec. 18-42. Use of computers.**

Any computerized method for the selection of jurors which has been approved by state law or the state supreme court may be utilized.

**Sec. 18-43. Failure to obey summons.**

Any juror who being duly summoned shall neglect or refuse to appear in obedience to any summons issued by the municipal court, and shall not within 48 hours render to the municipal judge a sufficient reason for his delinquency, may be punished for contempt.

(Code 1980, § 14-26; Ord. No. 1980-10, § 19, 11-6-1980)

**Sec. 18-44. Defendant's right to a court reporter.**

Any defendant shall have the right to have the testimony given at a jury trial in the municipal court taken stenographically or mechanically by a reporter; provided that nothing herein shall operate to prevent any such party from mechanically recording the proceedings himself. The requesting party shall pay the charges of such reporter for taking and transcribing if such testimony is recorded by a municipal court reporter.

(Code 1980, § 14-27; Ord. No. 1980-10, § 20, 11-6-1980)



Chapter 19

**RESERVED**

